

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
Case No.: 3:23-cv-819

JANE DOE, BY AND THROUGH HER  
PARENTS JANE ROE AND JOHN ROE,

Plaintiff,

vs.

AMERICAN AIRLINES GROUP, INC. and  
DOES 1-10,

Defendants.

**REPLY TO DEFENDANT AMERICAN  
AIRLINES GROUP, INC.'S RESPONSE  
TO PLAINTIFF'S MOTION FOR LEAVE  
TO CONDUCT EARLY DISCOVERY**

Plaintiff Jane Doe, by and through her parents Jane and John Roe (hereinafter "Plaintiff"), respectfully submits this Reply to Defendant American Airlines Group, Inc.'s (hereinafter "American Airlines") Response to Plaintiff's Motion for Leave to Conduct Early Discovery, [Doc. 16].

1. Through Plaintiff's Motion for Leave to Conduct Early Discovery (the "Motion"), she seeks to serve Court-enforceable discovery seeking: (1) the identities and related information about the various American Airlines' employees working on the subject Flight<sup>1</sup>; and (2) a complete copy of Doe 1's personnel file. [Doc. 14; Doc. 14.1, pp.2-3].

2. As referenced in American Airlines' Response, [Doc. 16, p.1(¶2)], after Plaintiff filed her Motion, counsel for American Airlines offered to provide the pertinent employees' names. American Airlines has yet to provide such information, and has not indicated whether it would likewise voluntarily provide the other information requested in Plaintiff's intended

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<sup>1</sup> Unless otherwise stated, all capitalized terms herein shall have the meaning ascribed to them in Plaintiff's Motion and Complaint. Doc. Nos. 1 & 14).

Interrogatories, including each employee's residence address, email address, telephone number, date of birth, and position with American Airlines.

3. American Airlines did not agree to provide Doe 1's personnel file. Instead, American Airlines' counsel indicated it needed an opportunity to determine whether any objections to such request were warranted.

4. American Airlines contends that Plaintiff's Motion is mooted based on American Airlines' (unfulfilled) offer to provide the employees' names. [Doc. 16, p.1(¶3); see also Doc. 16, p.2 (American Airlines' prayer for relief, seeking a ruling that Plaintiff's sought information "has been provided, and therefore Plaintiff's Motion is Moot.")].

5. Plaintiff's Motion is not moot.

6. First, American Airlines has not provided the requested employee information, nor has it confirmed that all requested employee information will be provided. Should American Airlines provide such information, the first part of Plaintiff's Motion would be mooted, but that has not occurred.

7. Second, American Airlines opposes Plaintiff's request for Doe 1's personnel file. American Airlines could moot Plaintiff's Motion in this regard by providing the file. Alternatively, American Airlines could moot the Motion by simply consenting to Plaintiff serving Court-enforceable discovery now, as opposed to waiting until after joinder of the issues and the Scheduling Order's issuance. See, e.g., LCvR 16.1(f); LCvR 26.1; Fed. R. Civ. P. 26(d). Indeed, Plaintiff's Motion does not seek an order requiring American Airlines to immediately produce the personnel file; it seeks leave of Court to serve a document request. American Airlines could assert any appropriate objection (to the extent there are any, which is denied) when it responds to such document request pursuant to Rule 34.

8. As stated in Plaintiff's Motion, she needs the requested information to both amend her Complaint and to otherwise advance the significant issues in this case. [Doc. 14, pp.1-2(¶2)].

9. American Airlines contends that the employees' names are all Plaintiff needs to amend her Complaint, [Doc. 16, p.1(¶3)], but that is not so. Doe 1's personnel file will contain information about, at least, his training, supervision, potentially other incidents and/or complaints, American Airlines' handling of this incident, his recent arrest by the Federal Bureau of Investigation, and the like. All of that information is pertinent to Plaintiff's existing claims, and Plaintiff will likely want to include such information in her Amended Complaint, along with the identity of Doe 1 and any other appropriate individuals. It would serve judicial economy if Plaintiff can make all such amendments at once.

10. Accordingly, good cause exists to grant Plaintiff's requested relief. Parker v. Case Farms, LLC, 2020 U.S. Dist. LEXIS 261976, \*3 (W.D.N.C. Feb. 25, 2020) (Reidinger, J.) ("Generally speaking, the Court may authorize expedited discovery upon a showing of good cause.").

For these reasons and those stated in Plaintiff's Motion, Plaintiff respectfully requests that the Court grant her leave to serve early Court-enforceable discovery requests in the form attached to her Motion as Exhibit A; that the Court shorten American Airlines' response deadline as appropriate; in the alternative, that the Court extend Rule 4(m)'s 90-day deadline; and for all other relief, both legal and equitable, which the Court deems proper and just.

[Signature on following page]

This the 6<sup>th</sup> day of February, 2024.

**LEWIS & LLEWELLYN LLP**

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## **CERTIFICATE OF SERVICE**

The undersigned certifies that this **REPLY TO DEFENDANT AMERICAN AIRLINES GROUP, INC.'S RESPONSE TO PLAINTIFF'S MOTION FOR LEAVE TO CONDUCT EARLY DISCOVERY** has this date been electronically filed with the Clerk of Court of the United States District Court of the Western District of North Carolina using such Court's CM/ECF system, which will transmit notification of such filing, constituting service thereof, to Defendant American Airlines Group, Inc.'s counsel of record as follows:

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This the 6<sup>th</sup> day of February, 2024.

### **LEWIS & LLEWELLYN LLP**

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